REMARKS

Claims 100, 102, 103, 105, 107, 109-112 are under examination. The claims have been amended to overcome objections and rejections for indefiniteness, enablement and lack of written description. Support for the amendments can be found throughout the specification, and as noted below. No new matter has been added. Reconsideration is requested.

Claims 110 and 111 are objected to over minor aspects of the wording. Claim 110 has been amended as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

Claim 103 stands rejected under 35 USC § 112, first paragraph, as not being enabled. The Examiner has made a calculation of the mismatch possible under the hybridization conditions stated and continues to believe the claim is overly broad, and that it would require undue experimentation to practice the claimed invention. Claim 103 has been amended to recite the washing conditions as well as the hybridization conditions. Support for the amendment can be found on page 37, lines 13-15. It is respectfully submitted that the recited wash conditions would remove the unwanted nucleic acid with which the Examiner is concerned. Reconsideration and withdrawal of the rejection are respectfully requested..

Claim 103 stands rejected under 35 USC § 112, first paragraph, as containing subject matter that is not described in the specification in such a way as to demonstrate that the inventor(s) had possession of the invention at the time the application was filed. It is the Examiner's view that the specification does not teach the variants, fragments, etc. under the hybridization conditions recited. As noted above, claim 103 has been amended to recite washing as well as hybridization conditions. It is respectfully submitted that the recited wash conditions would remove the unwanted nucleic acid with which the Examiner is concerned. Reconsideration and withdrawal of the rejection are respectfully requested..

Claims 102, 103, and 110-111 were rejected under 35 USC § 112, second paragraph as being indefinite. It is the Examiner's view that the term "human derived" is unclear. The claims have been amended to recite." Substantially purified human DNA." Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 107 was rejected under 35 USC § 112, second paragraph as being indefinite due to the recitation "wherein...a marker protein and/or peptide are bound." The claim has been amended to recite "bound together." Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 112 was rejected under 35 USC § 112, second paragraph as being indefinite due to the recitation "being obtainable." The claim has been amended to recite "obtained." The claim has also been amended to remove language that is redundant, and refer to the "method according to claim 111," rather than repeating the limitations of claim 111. It is believed that the claim is clear. Reconsideration and withdrawal of the rejection are respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance, and Notice to that effect is respectfully requested.

Respectfully submitted,

Date: 7/25/05

Ann S. Hobbs
Registration No. 36,830
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Facsimile: (202) 344-8300